

## **REMARKS**

Claims 1-28 remain pending in the present application. Claims 1, 7 and 17 have been amended. Claims 20-28 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1 and 2 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ogha, et al. (U.S. Pat. No. 6,488,213).

In amended Claim 1 of the present application, the control unit calculates a solar radiation thermal load based on a temperature of at least an area close to a window of the vehicle among the temperatures of the plural detection areas detected by the surface temperature detecting means. Therefore, the control value calculated by using the detection value of the surface temperature detecting means can be changed in accordance with the solar radiation. In addition, when the manual setting device manually changes a control value of the operation portion at a time, the control unit changes a control value calculated based on the solar radiation thermal load at the time. Accordingly, it can prevent an unpleasant feeling from being given to a passenger regardless of a solar radiation state.

Ogha et al. ('213) does not describe anything regarding the calculation of the solar radiation thermal load using the temperature of the area close to the window, among the temperatures of plural detection areas detected by the surface temperature detecting means. Further, there is nothing described regarding the correction (change) of the control value based on the manual setting operation.

Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claim 2 which depends from Claim 1 is also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 3 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogha, et al. (U.S. Pat. No. 6,488,213) in view of Hiroshi, et al. (JP 2002-283830). Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogha et al. (U.S. Pat. No. 6,488,213) in view Hiroshi et al. (JP 2002283830) in further view of Kamiya et al. (U.S. Pat. No. 6,202,934). Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ogha et al. (U.S. Pat. No. 6,488,213) in view of Kawai et al. (U.S. Pub. No. 2001/0039806). Claims 3-6 and 8 ultimately depend from Claim 1. As stated above, Claim 1 has been amended and is now believed to patentably distinguish over the art of record. Thus, Claims 3 and 6 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claims 9-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogha et al. (U.S. Pat. No. 6,488,213) in view of Tsunoda (U.S. Pub. No. 2003/0226658). Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogha et al. (U.S. Pat. No. 6,488,213) in view of Tsunoda (U.S. Pub. No. 2003/0226658) in further view of Kawai et al. (U.S. Pat. No. 6,397,615). Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogha, et al. (U.S. Pat. No. 6,488,213) in view of Tsunoda (U.S. 2003/0226658) in further view of Hiroshi, et al.

(JP 2002-283830). Tsunoda (U.S. 2003/0226658) was filed in the U.S. on May 14, 2003 and it was published on December 11, 2003. The present application was filed on October 28, 2003 claiming priority to JP 2002-318315 which was filed on October 31, 2002 in Japan. Because the present application was filed after the U.S. filing date of May 14, 2003 but before the publication date of December 11, 2003 of the Tsundoda reference, the Tsunoda reference becomes a 35 U.S.C. §103(a) reference via 35 U.S.C. §102(e).

Enclosed is an English translation of JP 2002-318315 which perfects the claim to priority of this application and to the October 31, 2002 priority date. Applicant believes the perfecting of the claim to priority removes the Tsunoda reference as a valid 35 U.S.C. §102(e) reference and thus removes it as valid 35 U.S.C §103(a) reference.

Thus, Applicant believes Claim 9 patentably distinguishes over the art of record. Likewise, Claims 11-13 and 15 which ultimately depend from Claim 9 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

#### **ALLOWABLE SUBJECT MATTER**

Claims 7, 14 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 7 depended from Claim 6 which depended from Claim 3 which depended from Claim 1. Claim 7 has been amended to independent form to include the limitations of Claims 1, 3 and 6 and is thus believed to be allowable.

Claims 14 and 16-19 ultimately depend from Claim 9 which, as stated above, applicant believes is allowable.

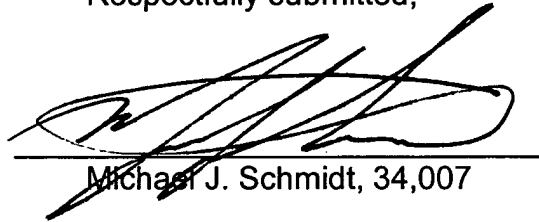
### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: March 20, 2006

By:



Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MJS/hmr